

**MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
REGULAR GOVERNING BOARD MEETING
MONDAY, AUGUST 22, 2016 - 10:00 A.M.
BOARD CHAMBERS, MDAQMD OFFICES
VICTORVILLE, CA**

MINUTES

Board Members Present:

Robert Lovingood, Chair, San Bernardino County
Jim Cox, Vice-Chair, City of Victorville
Carmen Hernandez, City of Barstow
Barbara Riordan, Public Member
Joseph "Joey" DeConinck, City of Blythe
Robert Leone, Town of Yucca Valley
Jeff Williams, City of Needles
Paul Russ, City of Hesperia
John J. Benoit, Riverside County
John Cole, City of Twentynine Palms
Ed Camargo, City of Adelanto

Board Members Absent:

James Ramos, San Bernardino County
Barb Stanton, Town of Apple Valley

CALL TO ORDER

Chair **ROBERT LOVINGOOD** called the meeting to order at 10:00 a.m. and lead the Pledge of Allegiance.

Chair **ROBERT LOVINGOOD** asked the Clerk to call roll; roll was called.

Special Announcements/Presentations:

Employee Recognition Service Awards – On behalf of the Board, Chair **ROBERT LOVINGOOD** expressed thanks to Vilma Landsman and Chris Collins for their years of service.

Employee Recognition – On behalf of the San Bernardino County 1st District Supervisor's Office, Chair **ROBERT LOVINGOOD** expressed thanks to Violette Roberts for her recent award from the Air & Waste Management Association.

CONSENT CALENDAR - The following consent items were acted upon by the Board at one time without discussion, upon motion by Board Member **JIM COX**, Seconded by Board Member **CARMEN HERNANDEZ**, and carried by unanimous roll call vote, as follows:

Agenda Item 1 – Approve Minutes from Regular Governing Board Meeting of June 27, 2016.
Approved the minutes from the Regular Governing Board meeting of June 27, 2016.

Agenda Item 2 – Receive and File: Finance Report and Budget Performance.
Received and filed the Finance Report and Budget Performance for May 2016.

Agenda Item 3 – Receive and File: The Legislative Report for August 4, 2016.
Received and filed the Legislative Report for August 4, 2016.

Agenda Item 4– Continue Item to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program to September 26, 2016.

Approved to continue the Item to adopt a Resolution to authorize the District to participate in the Public Agencies Post-Employment Benefits Trust administered by Public Agency Retirement System (PARS); Authorize a deposit up to \$1,000,000; Appoint the Executive Director/APCO as the Plan Administrator; and Authorize the Executive Director/APCO to execute the documents to implement the program to September 26, 2016.

Agenda Item 5 – Award an amount not to exceed \$138,006.30 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) Authorize the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Approved to award an amount not to exceed \$138,006.30 in Carl Moyer Program funds to Hinkley Dairy for the replacement of one (1) off-road tractor with a new lower-emissions off-road tractor; and 2) **Authorized** the Executive Director to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

Agenda Item 6 – Amend Governing Board Policy 93-3, “Policy and Procedure Manual.”
Approved to amend Governing Board Policy 93-3, “Policy and Procedure Manual.”

Agenda Item 7 – Amend Governing Board Policy 95-1, “Processing and Providing Information Requested by Members of the Governing Board.”
DEFERRED FOR DISCUSSION (see Agenda Item #10 DEFERRED ITEMS)

Agenda Item 8 – Amend Governing Board Policy 06-1, “Stipends for Governing Board Members, Hearing Board Members, and Technical Advisory Committee Members.”
Approved to amend Governing Board Policy 06-1, “Stipends for Governing Board Members, Hearing Board Members, and Technical Advisory Committee Members.”

Agenda Item 9 – Amend Governing Board Policy 94-2, “Travel.”

Approved to amend Governing Board Policy 94-2, “Travel.”

Agenda Item 10 – DEFERRED ITEMS:

Agenda Item 7 – Amend Governing Board Policy 95-1, “Processing and Providing Information Requested by Members of the Governing Board.”

Deferred for discussion by Board Member **PAUL RUSS**. Member Russ is concerned about the procedure and process of this item. Staff member Jean Bracy pulled this item from the agenda for further development.

Agenda Item 11 – PUBLIC COMMENT.

Linsey Dale, Executive Director, Imperial County Farm Bureau – Public Recognition – Brad Poiriez. Mrs. Dale publicly recognized and thanked Mr. Poiriez for his outstanding service to Imperial County and to the local farming industry.

Agenda Item 12 – Conduct a continued public hearing to consider the amendment of Regulation XIII – New Source Review (specifically Rules 1300 – General, 1302 – Procedure and 1320 – New Source Review for Toxic Air Contaminants) and adoption of Rule 1600 – Prevention of Significant Deterioration: a. Open continued public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of the Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, amending and adoption the rules and directing staff actions.

Chair **ROBERT LOVINGOOD** opened the continued public hearing. Staff member Alan De Salvio presented the staff report. Chair **ROBERT LOVINGOOD** solicited public comment, being none; Chair **ROBERT LOVINGOOD** closed the public hearing. Upon Motion by Board Member **JIM COX**, Second by Board Member **PAUL RUSS**, and carried with eleven **AYES** votes by Board Members **JOSEPH DECONINCK, JOHN BENOIT, ROBERT LOVINGOOD, CARMEN HERNANDEZ, ED CAMARGO, BARBARA RIORDAN, JEFF WILLIAMS, JOHN COLE, PAUL RUSS, JIM COX and ROBERT LEONE** the Board adopted **RESOLUTION 16-04**, titled, **“A RESOLUTION OF THE GOVERNING BOARD OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, REGULATION XIII – NEW SOURCE REVIEW (SPECIFICALLY RULES 1300 – GENERAL, 1302 – PROCEDURE AND 1320 – NEW SOURCE REVIEW FOR TOXIC AIR CONTAMINANTS) AND ADOPTION OF RULE 1600 – PREVENTION OF SIGNIFICANT DETERIORATION AND DIRECTING STAFF ACTION.”**

Agenda Item 13 – Reports:

Executive Director Brad Poiriez – Mr. Poiriez expressed his first month here at the District has been a whirlwind. With 3 major fires, Mr. Poiriez thanked Violette Roberts and Christie Robinson on their efforts for providing information to the schools and local media for public

Agenda Item #1

awareness of closures and current air quality status. Public notices for PSD will now be posted to the website; this is a new feature allowed by EPA. New CEQA guidelines are now posted on the websites for Mojave Desert and Antelope Valley AQMD's. Worked with Vice-Chair Member Cox on the Victorville 2 Hybrid Power Project invalid permits; will be working with the City of Victorville to resolve these issues. Currently working with Management Staff on programs; made internal changes to improve efficiency within the District. Currently working with staff and EPA to resolve outstanding issues with SIP and rule development. Upcoming events; meeting with Assemblyman Obernolte, September 9th; WRAP Board of Directors meeting, September 12th – 15th; District Financial Audit, September 19th – 22nd; Victor Valley Transit Authority Board Meeting, September 19th; and CEMEX Victorville Plant Centennial Celebration, September 29th.

Agenda Item 14 - Board Member Comments and Suggestions for Future Agenda Items.
Board Member Robert Leone publicly welcomed new Executive Director Brad Poiriez.

CLOSED SESSION

Upon Motion by Board Member **PAUL RUSS**, Seconded by Board Member **ROBERT LEONE** and carried by unanimous roll call vote, the Board adjourned to Closed Session at 10:10 a.m.

Agenda Item 15 - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: Michele Baird vs MDAQMD et. al CIVDS 1612446 San Bernardino County Superior Court (Government Code Section 54956.9).

Agenda Item 16 – CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6). Agency Designated Representatives: Roger Crawford, Employee Organization: SBPEA, Teamsters Local 1932.

OPEN SESSION - Disclosure of any Reportable Action(s) taken in Closed Session(s); and the Vote and Abstention of Every Member Present in the Closed Session.

The Governing Board reconvened to open session at 11:11 a.m., and Special Counsel **Piero Dallarda** stated that the Board met in Closed Session on Items #15 and #16. Special Counsel Dallarda stated for the record that there was no reportable action on Item #15. Special Counsel Dallarda reported for the record on Item #16, **CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6), Employee Organization: SBPEA, Teamsters Local 1932.** The terms of the proposed one year agreement as ratified by the union has been presented to the board and the board has authorized Counsel and the APCO to finalize the agreement. The finalized agreement will be presented at the next board meeting. Motion by Board Member **BARBARA RIORDAN**, second by Board Member **JEFF WILLIAMS**, and approved unanimously by all Board Members present in closed session.

Being no further business, Chair **ROBERT LOVINGOOD** adjourned the meeting at **11:30 a.m.** to the next Regular Meeting of **September 26, 2016.**

ACTION OF THE GOVERNING BOARD

APPROVED

Upon Motion by **PAUL RUSS**, Seconded by **JEFF WILLIAMS**, as approved by the following roll call vote:

**Ayes: 9 DECONINCK, LOVINGOOD, RUSS, STANTON, COX, LEONE,
RAMOS, WILLIAMS, HERNANDEZ**

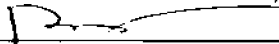
Noes:

Absent: 4 BENOIT, CAMARGO, RIORDAN, COLE

Abstain:

Vacant:

DEANNA HERNANDEZ, EXECUTIVE LEAD

BY  _____

Dated: SEPTEMBER 26, 2016